

## **REMARKS**

Support for these amendments may be found at paragraphs [0013], [0017], [0021], [0023] and [0027], as well as FIGS. 2, 10, 18, 22, and 30 of the specification as filed. Accordingly, no new matter has been added.

### **The Claim Objections**

Claims 3 and 15 have been withdrawn as requested.

### **The Rejections under 35 U.S.C. §§ 102(b)**

Claims 13 and 33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,007,246 to *Kinigakis et al.* (“*Kinigakis*”). Applicants respectfully traverse, noting that *Kinigakis* does not disclose a bag in which a top end and reclosable fastener have an included angle less than 90 degrees.

*Kinigakis* discloses bags in which the top end and side edges are perpendicular to each other (e.g., FIGS.9-12). No such angles less than 90 degrees are disclosed. Accordingly, claim 13 is patentable over *Kinigakis* for at least the reason that it recites a bag in which “the top end and the reclosable fastener of the first side edge have an included angle less than 90 degrees.” Claim 33 depends from claim 13 and is thus also patentable for at least this same reason.

### **The Rejections under 35 U.S.C. §§ 103(a)**

The pending claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Kinigakis*, U.S. Patent No. 5,687,848 to *Scholz et al.* (“*Scholz*”), U.S. Patent No. 3,387,701 to *Schneider et al.* (“*Schneider*”), and U.S. Patent No. 5,941,643 to *Linkiewicz* (“*Linkiewicz*”). Applicants respectfully traverse, noting that none of these references discloses every element of the claims as amended. More specifically, none of these references discloses a bag having a top edge and reclosable fastener with an included angle less than 90 degrees.

*Kinigakis*, *Linkiewicz*, and *Scholz* each disclose bags in which a top edge and reclosable fastener have included angles of 90 degrees or more. *Schneider* does not cure the deficiency of *Kinigakis*, *Linkiewicz*, and *Scholz*, as it does not even disclose a reclosable fastener, and thus

cannot disclose a top edge and reclosable fastener with included angle less than 90 degrees.

Claims 1 and 13 are thus each patentable over any combination of these references for at least the reason that they recite a top end and reclosable fastener that “have an included angle less than 90 degrees.” The remaining pending claims each depend from one of claims 1 and 13 and are thus also patentable for at least this same reason.

**CONCLUSION**

In view of the above, it is respectfully submitted that Claims 1, 3-4, 10, 13, 15-16, 22, and 32-33 are now in condition for allowance.

The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.


The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-2257.

Respectfully submitted,

MACPHERSON KWOK CHEN & HEID LLP

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By: \_\_\_\_\_

  
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TRANSMISSION**

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's EFS-Web electronic filing system on October 21, 2008.

Jon Y. Ikegami

Signature: \_\_\_\_\_

